

BEFORE THE STATE BOARD OF REAL ESTATE APPRAISERS

STATE OF IDAHO

In the Matter of the License of:

KENNETH W. FIELDS,
License No. CRT-1577,

Respondent.

Case Nos. REA-2008-66

FINAL ORDER

THIS MATTER was heard before a hearing officer on March 2, 2009. Deputy Attorney General Karen Magnelli appeared on behalf of the Idaho State Board of Real Estate Appraisers ("Board"). Respondent appeared in person, together with his attorney, Patrick Miller, Givens Pursley, LLP. All parties presented evidence. On May 6, 2009, the Hearing Officer issued her Findings of Fact, Conclusions of Law, and Recommended Order, finding that the Board has authority to impose disciplinary sanctions against Respondent for violations of the Idaho Real Estate Appraisers Act.

On May 28, 2009, the Board received a letter from Mr. Miller, dated May 26, 2009, requesting a hearing and the opportunity for the Respondent to personally address the Board to discuss what disciplinary sanctions may be appropriate in this matter prior to the Board issuing its final order. Pursuant to applicable Idaho laws, all parties of record were given notice that a mitigation hearing was scheduled for December 14, 2009.

On December 14, 2009, a mitigation hearing was held at a noticed meeting of the Board. Attorney General Karen Magnelli and Respondent appeared in person. Respondent read a statement to the Board, and answered questions from the Board.

The Board, having considered Respondent's testimony together with all matters of

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record, and good cause appearing therefor, the Board adopted the following Order.

IT IS HEREBY ORDERED as follows:

1. The Hearing Officer's Findings of Fact, Conclusions of Law and Recommended Order are hereby adopted and incorporated herein by reference.
2. As a Certified Residential Appraiser in the State of Idaho, Respondent is subject to the jurisdiction of the Board and to the provisions of title 54, chapter 41, Idaho Code.
3. The record establishes that Respondent violated the Idaho Code § 54-4107(1)(e) relating to competency and negligence in the preparation of a December 2007 appraisal. The Board therefore imposes the following disciplinary sanctions upon Respondent:
 - a. That Respondent's license (CRT-1577) shall be subject to a public reprimand.
 - b. That Respondent shall pay the costs and attorney fees incurred by the State. The State shall submit an Affidavit of Costs and Attorney Fees incurred in this matter within thirty (30) days from the date of this Order. Respondent shall submit any objection to the costs and fees submitted by the State and request a hearing within fifteen (15) days from the receipt of the State's Affidavit. Thereafter, the Board shall determine the amount of costs and fees awarded against Respondent, and in the event Respondent fails to object to the costs and fees claimed by the State, Respondent shall pay the costs and fees set forth in its Affidavit. The Respondent shall pay the costs and fees as determined by the Board, or as set forth in this section, within ninety (90) days from the date of this Order.
4. This is the Final Order of the Board.
5. Any party may file a Petition for Reconsideration of this Final Order

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within fourteen (14) days of the service date of this Final Order. The Board will dispose of the Petition for Reconsideration within twenty-one (21) days of its receipt, or the Petition will be considered denied by the operation of law. (*See*, Idaho Code Section 67-5247(4).)

6. Pursuant to Idaho Code Sections 67-5270 and 57-5272, any party aggrieved by this Final Order, or orders previously issued in this case, may appeal this Final Order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which: (i) a hearing was held; (ii) the final agency action was taken; or (iii) the party seeking review of this Final Order resides.

7. An appeal must be taken within twenty-eight (28) days: (i) of the service date of this Final Order; (ii) of any order denying petition for reconsideration; or (iii) of the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. (*See*, Idaho Code Section 67-5273.) The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

8. The Bureau Chief of the Bureau of Occupational Licenses shall cause a true and correct copy of this Final Order to be served upon the Respondent and the State's attorney by mailing a copy to them at their addresses as provided.

DATED this 12th day of January, 2010, ~~2009~~.

IDAHO BOARD OF REAL ESTATE
APPRAISERS

By 
Patricia Lentz, Chairperson

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of January 2010, I caused to be served a true and correct copy of the foregoing by the following method to:

Patrick J. Miller
Givens Pursley, LLP
601 W. Bannock Street
P.O. Box 2720
Boise, ID 83701
Attorney for Respondent

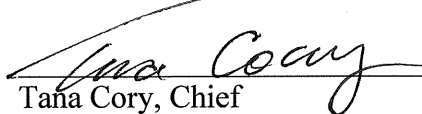
- ☒ U.S. Mail
- ☐ Hand Delivery
- ☐ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: _____
- ☐ Statehouse Mail

Kenneth W. Fields
1716 N. 25th Street
Boise, ID 83703

- ☒ U.S. Mail
- ☐ Hand Delivery
- ☐ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: _____
- ☐ Statehouse Mail

Karin Magnelli
Deputy Attorney General
P.O. Box 83720
Boise, ID 83720-0010

- ☐ U.S. Mail
- ☐ Hand Delivery
- ☐ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: _____
- ☒ Statehouse Mail


Tana Cory, Chief
Bureau of Occupational Licenses